

Before the
Federal Communications Commission
Washington, D.C. 20554

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|------------------------------|---|---------------------------|
| In the Matter of |) | |
| |) | File No. EB-00-BS-106 |
| Radio One Licenses, Inc. |) | |
| |) | NAL/Acct. No. 20013226001 |
| Licensee of Station WBOT(FM) |) | |
| |) | FRN 0003-7390-34 |
| Brockton, Massachusetts |) | |

MEMORANDUM OPINION AND ORDER

Adopted: October 16, 2002

Released: October 18, 2002

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this *Memorandum Opinion and Order* ("Order") we grant in part and deny in part the Petition for Reconsideration¹ filed by Radio One Licenses, LLC ("Radio One"), licensee of WBOT(FM),² of the *Memorandum Opinion and Order* ("MO&O")³ issued by the Enforcement Bureau in this proceeding. Pursuant to Section 503(b) of the Communications Act of 1934, as amended ("the Act"),⁴ and Section 1.80 of the Commission's Rules ("the Rules"),⁵ the Enforcement Bureau found Radio One liable for a monetary forfeiture in the amount of \$21,500 for willful violation of the following sections of the Rules: 11.35(a) (failure to have operational Emergency Alert System ("EAS") equipment); 73.1125(e) (failure to establish a local or toll-free telephone number in the community of license); 73.1350(c)(1) (failure to establish monitoring procedures to determine compliance with Section 73.1560 regarding operating power); 73.1800(a) (failure to maintain a station log); and 73.3526(a)(2) (failure to maintain a public inspection file).⁶

2. Radio One has presented new information which has persuaded the Bureau to reconsider and reverse the assessment of a forfeiture for violation of Section 73.3526(a)(2) of the Rules. The Bureau

¹ On August 30, 2002, Radio One Licenses, LLC submitted a request to have its previously filed application for review treated as a Petition for Reconsideration. We are granting its request and treating it as such.

² At the time this matter was initiated, Radio One Licenses, Inc. was the licensee of WBOT(FM). Effective December 31, 2001, Radio One Licenses, LLC became the licensee of WBOT(FM).

³ *Radio One Licenses, Inc.*, 17 FCC Rcd 1724 (Enf. Bur. 2002).

⁴ 47 U.S.C. § 503(b).

⁵ 47 C.F.R. § 1.80.

⁶ 47 C.F.R. §§ 11.35(a), 73.1125(e), 73.1350(c)(1), 73.1560, 73.1800(a), 73.3526(a)(2).

had assessed a forfeiture against Radio One for not maintaining a public inspection file for station WBOT(FM). It now appears, based on new information provided by Radio One, that Radio One did maintain a public inspection file, although the file was not made available to the Commission agent who conducted the inspection of WBOT(FM) and who requested the public file. Thus, by eliminating the forfeiture imposed for the public inspection file violation, we are reducing the forfeiture from \$21,500 to \$11,500. We also find that some additional reduction would be appropriate in light of Radio One's history of overall compliance. We will therefore reduce the total forfeiture to \$9,200.

3. Regarding the remaining violations⁷ and the arguments raised by Radio One in its Petition for Reconsideration, we have already addressed these arguments in our *Forfeiture Order*⁸ and in our previous *Memorandum Opinion and Order*.⁹ Radio One has not presented any arguments which would persuade us to change our decision below with respect to those violations.

4. Accordingly, **IT IS ORDERED THAT**, pursuant to Section 405 of the Act¹⁰ and Section 1.106 of the Rules,¹¹ the Petition for Reconsideration of the *Memorandum Opinion and Order* in this proceeding **IS** hereby **GRANTED IN PART** to the extent discussed above **AND DENIED** in all other respects.

5. **IT IS FURTHER ORDERED** that, pursuant to Section 503(b) of the Act and Section 1.80 of the Rules, Radio One Licenses, LLC shall pay the amount of nine thousand two hundred dollars (\$9,200) for the above-stated violations within 30 days of the release date of this *Order*. Payment may be made by check or money order, drawn on a U.S. financial institution, payable to the Federal Communications Commission. The remittance should be marked "NAL/Acct. No. 200132260001, FRN 0003-7390-34" and mailed to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.¹² Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 Twelfth Street, S.W., Washington, D.C. 20554.¹³

⁷ Sections 11.35(a), 73.1125(e), 73.1350(c)(1), and 73.1800(a) of the Rules.

⁸ *Radio One Licenses, Inc.*, 16 FCC Rcd 15326 (Enf. Bur. 2001).

⁹ *Radio One Licenses, Inc.*, 17 FCC Rcd 1724 (Enf. Bur. 2002).

¹⁰ 47 U.S.C. § 405.

¹¹ 47 C.F.R. § 1.106.

¹² 47 U.S.C. § 504(a).

¹³ 47 C.F.R. § 1.1914.

6. **IT IS FURTHER ORDERED** that, a copy of this *Order* shall be sent by regular mail and Certified Mail Return Receipt Requested to Pamela C. Cooper, Esq., counsel for Radio One Licenses, LLC, at Davis Wright Tremaine, 1500 K Street, NW, Suite 450, Washington, DC 20005.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau